

AMENDED LOCAL RULES 1002-1, 2002-5, 9004-1 AND 9011-4 EFFECTIVE IMMEDIATELY

Approved amendments to Local Rules 1002-1, 2002-5, 9004-1 and 9011-4 appear below. The rules are included in their entirety, with the amended text highlighted in blue. Following the text of each amended rule are notes, highlighted in red, providing guidance on the new requirements. **THESE NOTES ARE NOT PART OF THE PROMULGATED RULES AND ARE FURNISHED WITH THIS ANNOUNCEMENT TO EXPLAIN WHY THE AMENDMENTS HAVE BEEN MADE AND HOW THE CLERK'S OFFICE WILL ADMINISTER THEM.**

These amendments are designed to assist the Clerk's Office in carry out its records management responsibilities. As the custodian of the court's official records, the Bankruptcy Clerk is responsible for managing and maintaining the integrity of those records by establishing and enforcing standards, such as those contained in the following rules, for the form and appearance of bankruptcy documents filed to the court's electronic case filing system.

RULE 1002-1. PETITION - GENERAL (PLACE OF FILING)

(a) CHAPTER 7 AND 13 CASES. A petition commencing a chapter 7 or 13 case shall be filed in the division listed below for the county designated in the petition as the county for the debtor's mailing address. If two cities are listed for a county, the petition may be filed in either division. The clerk may permit or direct the filing of a petition in a particular division if the debtor has an interest in property in several counties or is an affiliate of a debtor in a pending case, or for other good cause. **The repeated filing of petitions in incorrect divisional offices will be referred to the judge assigned to an incorrectly filed petition and may result in the issuance of an order to show cause or sanctions.**

NOTE: This rule was promulgated in response to the filing of petitions to the wrong divisional office. This error creates administrative problems for the clerk's office staff and panel trustees and imposes an undue burden on debtors and other parties who are required to travel further for meetings and hearings, making the bankruptcy process less accessible and more expensive.

RULE 2002-5. REQUEST FOR NOTICE; NOTICE OF APPEARANCE

(a) **[ABROGATED]** ONE ATTORNEY PER NOTICE. A separate request for notice or notice of appearance must be filed for each attorney seeking electronic notice. A single request for notice or notice of appearance that identifies multiple attorneys will result in only the attorney first identified receiving notice.

(b) OTHER ATTORNEYS.

(1) If an attorney who is not admitted to practice in the district court wishes to receive electronic notice, the attorney must register as a Filing User of the court's Electronic Case Filing System in accordance with Local Rule 9010-3(g).

(2) The filing of a request for notice or notice of appearance by an attorney who is not admitted to practice in the district court does not require the filing of a petition for admission *pro hac vice*. [Attorney admission is governed by Local Rule 9010-3(a) and (c).]

(c) ATTORNEYS AND ENTITIES THAT ARE NON-FILING USERS. A request for notice or notice of appearance that is filed by an attorney or entity who is a non-Filing User will result in notice by regular mail only.

(d) WITHDRAWAL. Any entity wishing to withdraw its request for notice or notice of appearance shall file and serve a notice of withdrawal that complies substantially with Local Form 2002-5. Such notice of withdrawal shall be served on all entities listed in Local Rule 9013-3(a).

Fed. R. Bankr. P. Reference 9010

NOTE: The amendment to section (a) makes it easier to track the addition of parties to a case by requiring a separate notice of appearance, which in turn creates a separate docket entry, for each attorney seeking notice.

As to section (b)(1), the court often receives requests for electronic notice from attorneys outside the District of Minnesota. Only attorneys who are certified to file in the court's Electronic Case Filing System can receive electronic notice.

Electronic Case Filing Certification Process

- The attorney must be admitted to practice in a U.S. District Court.
- The attorney must complete an attorney user registration form at Step 3. and email the completed form to the email address at the top of the registration form, register@mn.uscourts.gov **The attorney should allow two business days for processing of the registration request.**
- A user name, password, and instructions will be emailed to the attorney to complete required test filings in the training database. Test filings are required by all attorneys to familiarize the attorney with Minnesota's electronic filing process since documents filed in the live database are immediately available on the court's website and are not removed if there is an error. If the attorney intends to file only a notice of appearance and request for notice, this is the only test filing required in the training database.
- Once the attorney has successfully completed the test filing(s), a user name and password will be emailed to the attorney.

As to section (b)(2), a *pro hac vice* application must be filed only by attorneys who **intend to file documents (other than a notice of appearance or a claim)** in a case.

RULE 9004-1. DOCUMENTS - REQUIREMENTS OF FORM

(a) SIZE. All documents presented for filing, except trial exhibits, shall be formatted to print on standard letter-size paper (8-1/2" x 11").

(b) PROOF OF SERVICE. Where service of a document on a non-Filing User is required, proof of service shall be submitted with the document filed, or filed separately by the earlier of two days thereafter or the time of the hearing.

(c) FACSIMILE TRANSMISSION. Documents delivered by facsimile transmission directly to the clerk shall not be accepted for filing.

(d) VERIFICATIONS. A verification shall not be ~~accepted~~ submitted for filing unless it bears a signature, including an electronic signature where allowed by Local Rule 9011-4.

(e) SCANNING OF DOCUMENTS.

(1) A document that is scanned shall not be submitted for filing, except only the signature page of the Notice of Responsibilities, a document requiring a signature other than the signature of the attorney or the attorney's staff, or an exhibit.

(2) All documents created on the attorney's computer should be printed directly to portable document format (PDF).

(3) All documents created using petition preparation software should be printed directly to PDF using the PDF function in the software.

(4) The repeated filing of scanned documents, other than those listed in Local Rule 9013-2(e)(1), will be referred to the judge assigned to the case in which the scanned documents are improperly filed and may result in issuance of an order to show cause or sanctions.

NOTE: As to section (e)(1), the Notice of Responsibilities of Chapter 7 Debtors and Their Attorneys (1007-3-1(7)) and the Notice of Responsibilities of Chapter 13 Debtors and Their Attorneys (1007-3-1(13)) are available at the Rules & Forms tab on the court's home page, www.mnb.uscourts.gov

Procedures for Filing Notice of Responsibilities Form

- Both Notice of Responsibilities forms are 5-page PDF documents.
- Save the required **Notice of Responsibilities** form to your computer.
- Print the appropriate signature page (page 5) ONLY. After printing, extract the signature page (page 5) from the Notice of Responsibilities document saved to your computer and delete the extracted signature page.
- Re-save pages 1-4 of the Notice of Responsibilities. The form is already in PDF and does not need to be converted.
- Sign and date and have the debtor(s) sign and date the printed signature page.

- Scan the signed signature page.
- Open the 4-page **Notice of Responsibilities** document and, using Adobe or other PDF software that can create and merge PDF documents, insert the scanned signature page at the end of the document.
- Save and rename the completed document.
- File contemporaneously with the petition, but as a separate .pdf document (using the *Notice of Responsibilities* filing event).

As to section (e)(2), all documents created in a computer's word processor must be converted to PDF using Adobe Writer (or software that can create and merge PDF documents).

As to section (e)(3):

- Bankruptcy petition software creates all the documents and the required format to file a case, including the debtor text file with a .txt extension, the creditor matrix with a .txt extension, and the petition and schedules in PDF.
- Filers using fillable forms downloaded from the court's website should convert the completed forms to PDF using Adobe Writer (or software that can create and merge PDF documents). The completed forms should **not** be printed and scanned.
- Versions 9 and higher of Adobe include a "reduce file size" feature that can significantly reduce the size of Adobe files.

As to section (e)(4), the clerk's office monitors filings for scanned documents that do not meet the requirements of Rule 9013-2(e)(1). The first time an attorney files a scanned document other than those listed in Rule 9013-2(e)(1), the attorney will be contacted by phone. The second time, a letter is sent to the attorney. The third incident will be referred to the judge assigned to the case, who may issue an order to show cause or impose monetary or other sanctions.

RULE 9011-4. SIGNATURES

(a) **GENERALLY.** All documents presented for filing shall be signed and include the name, address and telephone number of the signer or the signer's attorney.

(b) **ELECTRONIC SIGNATURES - FILING USERS.** The user log-in and password required to submit documents to the Electronic Case Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules of this court, and for any other purpose for which a signature is required in connection with proceedings before the court. Electronically filed documents must include a signature block setting forth the name, address, telephone number and attorney bar registration number, if applicable, of the Filing User. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/e/" and typed in the space where the signature would otherwise appear. No Filing User or other person may knowingly permit or

cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

(c) ELECTRONIC SIGNATURES - EMPLOYEES OF FILING USERS. A document filed in electronic format by a Filing User may contain the signature of a non-attorney employee of that Filing User, or of an agency or firm of which the Filing User is an employee, member or partner, represented by an "/e/" and the name typed in the space where a signature would otherwise appear. The electronic filing of a document with such a signature shall constitute a certification by the Filing User that the employee consented to the use and submission of the employee's signature in this form, and that the employee had attested under penalty of perjury to the truth of any facts so subscribed.

(d) ELECTRONIC SIGNATURES - DEBTORS. When an original signature of a debtor, authorized individual or joint debtor is required on the (1) petition, schedules and statements; (2) amendment to petition, schedules and statements; (3) chapter 13 plan; or (4) modified chapter 13 plan, the Filing User shall submit either a scanned image of the Form ERS 1 Signature Declaration signed by the debtor(s) or the electronic document with a scanned image of the signature page signed by the debtor(s). [\[The scanning of documents is governed by Local Rule 9004-1\(e\).\]](#)

(e) ELECTRONIC SIGNATURES - OTHER DOCUMENTS. Except as otherwise provided above, when an original signature of a non-Filing User is required on a verification, affidavit or other similar document, the Filing User shall submit a scanned image [of the signature page](#) of the document signed by the non-Filing User. [\[The scanning of documents is governed by Local Rule 9004-1\(e\) and the filing of voluminous exhibits is governed by Local Rule 9013-2\(e\).\]](#)

(f) ELECTRONIC SIGNATURES - MULTIPLE SIGNATURES. Documents requiring signatures of more than one party must be electronically filed by submitting a document that includes a scanned image of the signature page signed by all necessary parties. Alternatively, the filer may submit the document with the electronic signatures of any parties who authorize the filer to do so, as long as the document contains a provision to that effect.

NOTE: As to section (d), When an original signature of a debtor, joint debtor or authorized individual of a corporate or partnership debtor is required, the Filing User must submit a scanned image of the Signature Declaration or the electronic document with a scanned image of the signature page signed by the debtor. **Only the signature page should be scanned** and inserted in the PDF document using Adobe Writer or software that can merge PDF documents.

As to section (e), when an original signature of a non-filing User is required on a verification affidavit or similar document, the Filing User must submit a scanned image of the signature page of the document signed by the non-Filing User. **Only the signature page should be scanned** and inserted in the PDF document using Adobe Writer or software that can merge PDF documents.